

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN LOFFREDO, et al.,

Plaintiffs,

v.

CERBERUS CAPITAL MANAGEMENT,
L.P., a limited partnership,
STATE STREET BANK AND TRUST
COMPANY, a Massachusetts Trust
Company, JOHN DOE and MARY DOE,
individuals.

Defendants.

and

JOHN LOFFREDO, et al.,

Plaintiffs,

v.

DAIMLER, AG, et al.,

Defendants.

Hon. Julian A. Cook

Case No. 2:10-cv-14214

Consolidated With: 2:10-cv-14181

**DEFENDANT STATE STREET BANK AND TRUST COMPANY'S
EX PARTE MOTION FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF ITS
MOTION TO DISMISS IN THE "CERBERUS" ACTION IN EXCESS OF FIVE PAGES**

Defendant, State Street Bank and Trust Company ("State Street"), by its undersigned attorneys, respectfully submits this *Ex Parte* Motion for Leave to File a Reply Brief in Support of its Motion to Dismiss in the "Cerberus" Action in Excess of Five Pages. In support of the Motion, State Street respectfully refers the Court to the accompanying Brief in Support filed herewith.

WHEREFORE, pursuant to LR 7.1(c)(3), State Street respectfully requests that this Honorable Court grant its Motion and permit State Street to file a fourteen page Reply Brief in Support of State Street's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) in the "Cerberus" Action.

Dated: April 6, 2011

Respectfully submitted,

s/James D. VandeWyngearde
JAMES D. VANDEWYNGEARDE (P58634)
Pepper Hamilton LLP
100 Renaissance Center, Suite 3600
Detroit, MI 48243
313.259.7110
vandewyj@pepperlaw.com
Local Counsel for Defendant
State Street Bank and Trust Company

WILBER H. BOIES, P.C.
NANCY G. ROSS
McDermott Will & Emery LLP
227 West Monroe Street, Suite 4400
Chicago, IL 60606-5096
312.984.7686
Counsel for Defendant
State Street Bank and Trust Company

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN LOFFREDO, et al.,

Plaintiffs,

v.

CERBERUS CAPITAL MANAGEMENT,
L.P., a limited partnership,
STATE STREET BANK AND TRUST
COMPANY, a Massachusetts Trust
Company, JOHN DOE and MARY DOE,
individuals.

Defendants.

and

JOHN LOFFREDO, et al.,

Plaintiffs,

v.

DAIMLER, AG, et al.,

Defendants.

Hon. Julian A. Cook

Case No. 2:10-cv-14214

Consolidated With: 2:10-cv-14181

**BRIEF IN SUPPORT OF DEFENDANT STATE STREET BANK AND TRUST
COMPANY'S *EX PARTE* MOTION FOR LEAVE TO FILE A REPLY BRIEF IN
SUPPORT OF ITS MOTION TO DISMISS IN THE "CERBERUS" ACTION
IN EXCESS OF FIVE PAGES**

State Street Bank and Trust Company ("State Street"), by its undersigned attorneys, respectfully submits this Brief in Support of its *Ex Parte* Motion for Leave to File A Reply Brief in Support of its Motion to Dismiss in the "Cerberus" Action in Excess of Five Pages. State Street seeks to file a fourteen page Reply Brief in Support of State Street's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) in the "Cerberus" Action (the "Motion").

E.D. Mich. L.R. 7.1(c)(3) provides that “a party seeking to file a longer brief may apply *ex parte* to the Court in writing setting forth the reasons.”

The issues raised in Plaintiffs’ Complaint are lengthy, complex and create the need for a detailed explanation by State Street. Given the magnitude of the claims at issue, the complexity of the issues raised, and the need to respond to plaintiffs’ 26-page brief in opposition to State Street’s motion to dismiss, the page limitations provided by the Local Rules do not provide enough space for a full analysis and presentation of the extensive bases pertinent to resolution of State Street’s Motion.

WHEREFORE, pursuant to L.R. 7.1(c)(3) State Street respectfully requests that this Honorable Court grant this *Ex Parte* Motion, permit State Street to file the fourteen page Reply Brief in Support of State Street’s Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) in the “Cerberus” Action attached hereto as Exhibit 1, and enter the proposed Order attached hereto as Exhibit 2.

Dated: April 6, 2011

Respectfully submitted,

s/James D. VandeWyngearde
JAMES D. VANDEWYNGEARDE (P58634)
Pepper Hamilton LLP
100 Renaissance Center, Suite 3600
Detroit, MI 48243
313.259.7110
vandewyj@pepperlaw.com
Local Counsel for Defendant
State Street Bank and Trust Company

WILBER H. BOIES, P.C.
NANCY G. ROSS
McDermott Will & Emery LLP
227 West Monroe Street, Suite 4400
Chicago, IL 60606-5096
312.984.7686
Counsel for Defendant
State Street Bank and Trust Company

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2011, I caused to be electronically filed the foregoing Defendant State Street Bank and Trust Company's *Ex Parte* Motion for Leave to File a Reply Brief in Support of its Motion to Dismiss in the "Cerberus" Action in Excess of Five Pages, Brief in Support thereof, and this Certificate of Service with the United States District Court, Eastern District of Michigan, and notice will be sent by operation of the Court's electronic filing system to all ECF participants.

I further certify that a copy will be hand delivered to the Hon. Julian A. Cook, 231 W. Lafayette Blvd., Room 718, Detroit, MI 48826.

s/James D. VandeWyngearde
JAMES D. VANDEWYNGEARDE (P58634)